

City of Shannon Hills, Arkansas
Regular City Council Meeting
Sept 14, 2004

The Mayor called the meeting to order at 6:30 pm.
The Mayor led the pledge of Allegiance.

Roll Call: Present were Mayor Davis, Recorder-Treasurer Curt Wilson, City Attorney Patrick Benca, Aldermen Mike Kemp, Bobby Riley and Rick Tribble. Aldermen Diane Everett is absent due to family member n accident in Tennessee. Positions Ward 1, Position 1 and Ward 3 Position 1 are currently vacant due to resignations of Aldermen Daniel and Linkous at last months meeting.

Item 1. Four items were grouped as a “Consent Agenda” package to be voted on as a unit. On a motion from Alderman Kemp and second from Alderman Tribble, the following items were presented for passage:

- * Acceptance of resignation of Alderman Gina Daniel, effective Aug 20, 2004
- * Approve Resolution 2004-08 (Res of Appreciation to Alderman Daniel)
- * Confirmation of the Appointment of Robin Baker to the City Council for Ward 1, Position 1.
- * Confirmation of the Appointment of Dr. Dave Holsomback to the City Council For Ward 3, Position 1.

All above listed items were approved by voice vote with no opposition.

The Meeting Recessed at 6:38pm to provide for swearing in of the newly appointed Aldermen.

Meeting reconvened at 6:45pm with Aldermen Baker and Holsomback taking their seats.

Item 2. Minutes of previous meeting, conducted Aug 10, 2004, was presented for approval. A motion was made to approve the minutes as presented by Alderman Riley. A second was offered by Alderman Kemp. The motion was approved by voice vote with no opposition.

Item 3. Financial Report. Because of some e-mail failures, new aldermen who have not had opportunity to review it and delays in distribution, it was agreed that the Financial Report approval should be suspended until next month. A motion to that effect was made by Alderman Kemp. A second was provided by Alderman Tribble. Motion was approved by voice vote with no opposition.

Item 4. Department Head Reports:

o add Two items to the agenda. The Mayor reported that the new agenda items involved guest speakers and ask the Council to approve adding the topics to the agenda and to move those items to the front of the agenda. A motion to add the items and to move them to the front of the agenda was made by Alderman Kemp. The motion received a second from Alderman Everett. The motion was approved by voice vote with no opposition.

Item 1. Mr. Dale Blackwell, (Citizen), presented his concern about dogs and enforcement of the animal ordinance. He indicated a concern about several dogs and numerous cats

running loose in the area of his home. He reported that “last weekend, a large white dog, resembling a wolf” had jumped the fence into his back yard where his child was playing. As he exited his house the dog was climbing back over the fence and left. Mr. Blackwell also addressed his concern about walking or riding a bike in the city, or using the City Park and being constantly concerned about dogs. Following several minutes of discussion about what has been done and what could be done, Alderman Riley stated that he would pursue the issue individually and seek some ideas to help resolve the situation. Additionally, the Mayor extended an open invitation, to any interested citizen, to help patrol for stray or loose animals.

Item 2. At a meeting of the Planning Commission that occurred on Aug 9, 2004, Two individuals applied for zoning/use variances. Mr. Donald Smith Requested permission to operate a recording studio in his home. He assured the commission that he has/would have sufficient insulation and sound proofing so as to not be a noise nuisance to his neighbors. He presented a petition, signed by his neighbors, stating that they had no problems with his plans and would not oppose or complain about it. Another individual, Mr. Tim Timmons, (who has purchased the old Stinnet Printing Co. building), has requested permission to build living quarters in the back of that building. He is opening a Glass store there. Ms Beverly Williamson, of the Planning Commission, Reported to the Council that the Commission had reviewed each request and had voted to approve both requests. She presented a “Do Pass” recommendation to the Council on both issues. In both cases, the recommendation of the Commission was to provide a *variance* and NOT a change in zoning. The variance was to be for the requesting parties only, (non-transferable), and could be revoked if the parties failed to comply with all other conditions laws and ordinances that apply.

Alderman Kemp made a motion that both requests be approved. Alderman Riley provided a second. Motion was approved by voice vote with no opposition.

Item 3. Merger of Firemen’s Pension Relief Fund with LOPFI: “Lucky” Turney was asked to inform the Council concerning this issue. There are four retired Firemen who are members of an “old” retirement plan and all others and currently active Firemen are enrolled in LOPFI, (New plan). In short, merging the plan with LOPFI will mean that the city will have fewer accounts to maintain. The amount of retirement drawn by the people involved will not change. Ms Turney explained the details of the merger. Approval of the merger requires passing an ordinance. The ordinance was provided by LOPFI so as to insure that all of the required language was included. Following the presentation Alderman Kemp made a motion to approve the Ordinance (First Reading). A second was offered by Alderman Riley. In a roll call vote, Aldermen Riley, Linkous, Everett, Daniel and Kemp voted “Yes”. Alderman Tribble voted “No”. The Ordinance was approved by a vote of 5 to 1.

Item 4. Sewer expansion and Wastewater Treatment Plant Project Progress Report. Mr. Tim Lemons, of Lemons Engineering, presented an update on the projects. On Sewer expansion, Approval has been received from the Department of Health. All necessary easements for initial draft plans have been received. Mr. Lemons reported that several homeowners in the sewer expansion area have asked about wavier of “tie-on” fees. He stated that it is a common thing to waive “tie-on” fees for those who give up easements on their properties. With that said, Alderman Kemp made a motion that a resolution be approved that states that the Seven Hundred Fifty Dollar (\$750.00) “Tie-on” fee be waived for those households effected by this project, who tie on or commit to tying on prior to the substantial completion of the project. “Substantial Completion” being defined as the point

in time where the city accepts the finished product from the contractors. The motion received a second from Alderman Tribble. The motion was approved on a voice vote with no opposition.

Mr. Lemons continued his presentation. Relative to the Bond Issue and related projects Mr. Lemons reported that activities related to the water tower were progressing on schedule. He reported that interrogatories related to the acquisition of the land where the treatment plant is to be constructed have been completed. It is expected that this issue will go to court and a court date is likely within about two to four months. A citizen asked about additional uses of the easements given by landowners. It was confirmed that the easements were established as "Single Purpose" and that no additional uses could be applied to the easement.

Item 5. Police Committee:

Alderman Tribble stated that he was not convinced that the committee was organized enough to function properly and that its purpose was poorly conceived. He recommended that the committee be disbanded. There followed several minutes of lively discussion about the purpose of the committee, the inability of members to contact each other etc... No motions were made or action taken.

Item 6. Fire Department Rules and Regulations:

The Fire Department Rules and Regulations handbook was presented to the Council. Following a brief discussion, Alderman Riley moved that the Document be approved. A second was provided by Alderman Everett. Motion was approved via voice vote with no opposition.

Item 7. Employee Handbook Update:

A modification to the grievance procedure was presented to the Council. The changes were recommended by the Municipal League to ensure Tort immunity for the Council. An ordinance providing for the modification was read by City Attorney Benca. A motion was offered by Alderman Kemp to approve the Ordinance and the related handbook changes. A second was offered by Alderman Tribble. Motion passed by voice vote with no opposition.

A motion was made by Alderman Kemp, with a second from Alderman Tribble to suspend the rules and place the ordinance on the floor for a second reading, reading only the title. Motion passed by voice vote with no opposition.

The ordinance was read by Attorney Benca. A motion to approve the ordinance was made by Alderman Kemp with a second provided by Alderman Everett. Motion passed by voice vote with no opposition.

A motion was made by Alderman Kemp, with a second from Alderman Everett to suspend the rules and place the ordinance on the floor for a third and final reading, reading only the title. Motion passed by voice vote with no opposition.

The ordinance was read by Attorney Benca. A motion to approve the ordinance was made by Alderman Kemp with a second provided by Alderman Tribble. Motion passed by voice vote with no opposition.

Item 8. Business Association added to Agenda. (Alderman Riley)

Motion by Alderman Kemp to add Business Association Topic to the Agenda. Second supplied by Alderman Linkous. Motion passed by voice vote with no opposition. Alderman Riley deferred to Citizen Lonnie Taggart. Mr. Taggart described the concept and purpose of the planned Merchants & Residents Association. After a brief discussion about the benefits and goals of the planned association Alderman Kemp made a motion that the City pass a resolution of support for the planned organization. A second was offered by Alderman Everett. Motion passed by voice vote with no opposition.

Item 9. Resignation of Alderman Linkous:

Alderman Linkous submitted her resignation from the Council. She is moving outside the City and is therefore no longer eligible to serve. Following a brief farewell statement from Alderman Linkous Alderman Kemp made a motion that the resignation be accepted. Alderman Everett provided a second. Motion passed by voice vote with no opposition.

Mayor Davis asked the Council to allow him to add another item to the agenda. He would not disclose the topic until after the vote. Alderman Kemp moved to approve the agenda addition. Alderman Tribble provided a second. Motion passed by voice vote with no opposition.

Item 10. Resolution of Appreciation for Alderman Linkous:

The Mayor announced his desire to present Alderman Linkous with a Resolution of Appreciation for a job well done during her tenure on the City Council.

A motion to approve and present A Resolution of Appreciation to Alderman Linkous was made by Alderman Riley with a Second offered by Alderman Tribble. Motion passed by voice vote with no opposition. The Resolution was Read by Attorney Benca and presented to Alderman Linkous by Mayor Davis.

Department Head Reports:

Street and Water Dept report: Mr. Passmore could not attend. He submitted a written report that is on file in the Dept Head reports binder and is considered to be an extension of these minutes.

Fire Department Report: Chief Aldridge gave a verbal report but was not audible on the tape. He also presented a written financial report, which is filed in the Dept. Head Report Binder. The report covers financial information for the first six months of the year (Jan – June).

Police Department Report: Chief Richard Friend reported the acquisition of what will become a mobile command center. He also announced that just prior to the meeting tonight he conducted the graduation ceremony for the first class to go through a *Shannon Hills Sponsored*, Arkansas Law Enforcement Training Academy, Auxiliary Police Office Training Program there were 27 graduates, four of which will be serving as Shannon Hills Auxiliary Officers. Chief Friend also announced that the Police department had received a lot of furniture from federal surplus that was better than what they had.

Court Clerk Report: The Court Clerk submitted a written report. The Mayor noted the success of the Time Pay Probation program that has been in use for about one and a half years. He noted that last court day the court only collected a little over \$120.00 on the day of

court but that over the last month collections totaled \$8,529.00. The written report is filed in the Department head reports binder for any who wish to review it.

Approval of Minutes from past meeting: Minutes from July Council meeting were presented for approval. On a Motion from Alderman Kemp, a second from Alderman Tribble and a voice vote with on opposition, the minutes were approved.

Financial Report: The Recorder-Treasurer distributed complete financial reports and provided the following summary:

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|---------------------|------|----------------------------------|--------------------|
| As of July 31, 2004 | | General Fund Checking account | \$17,752.79 |
| | | Radio Fund | \$ 310.75 |
| | | Reader Board Fund | \$ 285.92 |
| | | Emerg. Light Fund | \$ 253.00 |
| | | Payroll Account..... | \$ 554.61 |
| | | Undepositd funds (cash box) | \$ 159.91 |
| | | Avail General Funds | \$19,316.98 |
| | | Reserve funds (Stephens) | \$47,783.30 |
| | | Total General funds | \$67,100.28 |

General Funds revenue for July \$23,944.94

Expenditures for July \$28,311.11

Street Funds : Checking Account ... \$ 9,503.01

Reserve funds (Stephens) \$32,995.71

Total Street Funds \$42,498.72

Street funds are low right now due to lack of settlement with insurance companies concerning bridge issue. That is a short-term condition.

Comments:

Citizen Beverly Krontz inquired about the planned speed bumps to be installed on Donnie Drive. The mayor stated that speed bump material had been located and priced and installation would take place soon. He also addressed the plans to install "1 hour parking" signs along Donnie drive.

Citizen Billy Davis asked about what is/can be done about speeders on Packer drive. The Mayor said that the first attempt to control that situation was the installation of the 3-way stop on that street. Some discussions continued about the possibility of installing speed bumps on that street like the ones planned for Donnie drive.

Motion to Adjourn was made by Alderman Kemp. Second was provided by Alderman Daniel. Motion was approved by voice vote with no opposition.
Meeting adjourned at 8:20 pm.

Date: _____

Approved: _____
Larance Davis, Mayor

Attest: _____
Curt Wilson, Recorder-Treasurer